



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Linhart, et al.

Art Unit: 1645

Serial No. 10/028,914

Examiner: Jana A. Hines

Filed: 12/27/01

Atty. Docket: 966927.00006

For: Allergy Vaccines Containing Hybrid Polypeptides

DECLARATION UNDER 37 C.F.R. § 1.132

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Dr. Rudolf Valenta, M.D., state that I am one of the named inventors in the above-referenced application, and hereby declare and state:

1. I have read the Office action mailed on July 2, 2004 in the above-referenced application.
2. I am one of the authors of the Vrtala, et al. reference (1996, J. Allergy Clin. Immun., Vol. 97(3):781-787) cited by Examiner Jana A. Hines in the Office action mailed on July 2, 2004.
3. The Vrtala, et al. reference does not describe or teach the production of a hybrid polypeptide and more specifically, does not describe or teach a hybrid polypeptide comprising two different allergenic proteins such as Phl p1 and Phl p2.
4. The Vrtala, et al. reference only reports the expression of the individual allergens.
5. The cDNA and amino acid sequences for the timothy grass pollen allergens described in the instant application and namely, Phl p1, Phl p2, Phl p5, and Phl p6, were available in the art at the time the invention was made and at the filing of the instant application, which is illustrated in Exhibits 1-4, herewith attached. Further, one of ordinary skill in the art, armed with the instant application, would understand the sequences of said allergens and the claimed hybrid polypeptide invention.

6. That all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents ensuing thereon.

Date:

Sept 28, 2004

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Respectfully submitted,


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